

Message Text

CONFIDENTIAL

PAGE 01 ISLAMA 05924 300741Z

10

ACTION NEA-10

INFO OCT-01 ISO-00 OMB-01 AID-05 IO-10 CIAE-00 DODE-00

PM-03 H-02 INR-07 L-03 NSAE-00 NSC-05 PA-01 PRS-01

SP-02 SS-15 USIA-06 /072 W
----- 121857

R 280716Z JUN 75

FM AMEMBASSY ISLAMABAD

TO SECSTATE WASHDC 816

INFO AMEMBASSY DACCA

AMEMBASSY KABUL

AMCONSUL KARACHI

LZEN/AMCONSUL LAHORE 770

AMEMBASSY NEW DELHI

AMEMBASSY TEHRAN

C O N F I D E N T I A L ISLAMABAD 5924

E.O. 11652: GDS

TAGS: PINT, PFOR, PK, AF

SUBJ: NAP DEFENSE BEFORE SUPREME COURT

REF: A) ISLAMABAD 5684; B) LAHORE 718 (NOTAL); C) ISLAMABAD
5648 (NOTAL)

SUMMARY: NAP HAS NOW ABANDONED ITS DEFENSE BEFORE THE
SUPREME COURT IN THE CASE CONCERNING PARTY'S PROSCRIPTION.
EMBASSY UNDERSTANDS THAT NAP FEELS THAT IT IS IMPOSSIBLE
TO GET FAIR TRIAL UNDER CURRENT CONDITIONS. WALI KHAN
SEEMS WILLING TO SIT IT OUT IN SILENCE, BUT OTHERS IN
NAP AND COMBINED OPPOSITION ARE HOPING TO REOPEN DEFENSE.
THE PROCEEDINGS CAN TAKE FROM ONE TO SIX MONTHS. END SUMMARY.

1. NAP'S DEFENSE BEFORE SUPREME COURT HAS BEEN
INTERRUPTED (BUT PERHAPS NOT TERMINATED) BY EVENTS OF
JUN 19 WHEN NAP TOOK THE IRREVOCABLE STEP OF DISMISSING ITS
LEGAL COUNSEL (REF B) AND WALI KHAN WALKED OUT ON PROCEEDINGS
(REF C). EMBOFFS HAVE BEEN ABLE TO TALK WITH SEVERAL
CONFIDENTIAL

CONFIDENTIAL

PAGE 02 ISLAMA 05924 300741Z

NAP AND UDF LEADERS WHO ARE CURRENTLY IN CITY FOR STRAHGY MEET-

INGS. THEY HAVE EXPLAINED NAP RATIONALE AND CURRENT PLANS FOR CONTINUATION OF DEFENSE CASE WHICH COINCIDE WITH STORY CONSUL PESHAWAR HAS HEARD.

2. ACCORDING TO SENATOR GILZAI (NAP-BALUCHISTAN) AND SENATOR ZAHARUL HAQ (NAP-NWFP), NAP FEELS STRONGLY THAT SUPREME COURT, AS CURRENTLY CONSTITUTED, IS STACKED AGAINST PARTY. BOTH JUSTICES GUL AND CHEEMA HAVE SERVED IN BHUTTO GOVERNMENT AS LAW SECRETARIES AND HAVE, NAP CLAIMS, BEEN DEVELOPING GOP CASE AGAINST THE PARTY FOR PAST THREE YEARS. CHIEF JUSTICE REHMAN, THEY CLAIM, WANTS A POST AFTER HIS RETIREMENT THIS AUTUMN (SOMETHING IN ZDE ISLAMIC SECRETARIAT) AND YAQUB ALI EXPECTS TO STEP INTO TOP SLOT: NEITHER MAN, THEY CLAIM, WILL WANT TO OFFEND GOVERNMENT. ONLY HAQ AND SALLALUDDI, THEY COUNT AS BEING GENUINELY NEUTRAL. NAP DEMAND THAT GUL AND CHEEMA STEP DOWN FROM CASE HAS BEEN TURNED DOWN BY COURT.

3. ANOTHER OVER-RIDING PROBLEM IS THE COST OF THE DEFENSE. GILZAI ESTIMATED LAWYERS, RESEARCHERS, ETC. COULD COST FROM 600,000-2,000,000 RUPEES (\$60,000 TO \$200,000), SUMS OBVIOUSLY BEYOND WHAT PARTY OR DEFENDANTS CAN PAY. COURT ORDER TO GOVERNMENT TO PAY RS 1500 PER DAY FOR NAP DEFENSE DOES NOT BEGIN TO COVER COSTS HE CLAIMED. PURPOSE OF DISMISSAL OF NAP COUNSELS, SAID GILZAI, WAS TO FORCE COURT TO APPOINT LAWYERS (AS AMICUS CURIAE -- FRIENDS OF THE COURT) AT GOVERNMENT EXPENSE: NAP DOES NOT HAVE CONFIDENCE IN THREE CURRENTLY NAMED BY THE COURT (THEY ARE "LEGAL UNKNOWNNS" THE PARTY MAINTAINS). IT HAS, GILZAI CLAIMED, SUBMITTED LIST OF SIX WITH WHOM PARTY WOULD AGREE TO COOPERATE.

4. THIRD ISSUE BEING PRESSED BY NAP IS THAT WALI, ARBAB SIKANDER, BIZENJO, MENGAL AND MARRI SHOULD BE RELEASED ON BAIL SO THAT THEY CAN PREPARE THEIR DEFENSE. SPECIFICALLY, THEY TOLD THE JUDGES THAT THEY HAVE SECRET DOCUMENTS WHICH ONLY THEY CAN OBTAIN (LETTERS FROM BHUTTO, ISLAMIC SUMMIT SECRETARY GENERAL TOHAMEY, ETC.). COURT INSISTS THAT IT DOES NOT HAVE JURISDICTION TO GRANT BAIL
CONFIDENTIAL

CONFIDENTIAL

PAGE 03 ISLAMA 05924 300741Z

AS THEY ARE CHARGED UNDER DEFENSE OF PAKISTAN RULES (DPR).

5. GILZAI INDICATED NAP DEFENSE STRATEGY WORKED OUT BY FIVE DETAINEES AT SINHALA REST HOUSE ON JUNE 18. (HE CONFIDED PRIVATELY HE THOUGHT DECISION TO WALK OUT WAS "HASTY".) OTHE UDF LEADERS HAVE TOLD EMBOFFS THAT THEY HAVE DECIDED TO TRY TO STIMULATE ACTIVE DEFENSE BECAUSE CASE HAS POWERFUL IMPLICATIONS FOR OPPOSITION AS A WHOLE

AND FUTURE OF DEMOCRACY IN PAKISTAN. (UDF LEADER MALIK MOHAMMAD QASIM, PUNJAB MUSLIM LEAGUER, ALSO ARGUES IT IMPORTANT FOR PEOPLE OF FRONTIER AND BALUCHISTAN -- AREAS OF NAP STRENGTH -- TO UNDERSTAND THAT THEIR CAUSE ENJOYS SUPPORT ELSEWHERE IN PAKISTAN.) IT IS NOT CLEAR HOW THIS CAN BE ACCOMPLISHED. CHAUDHURY ZAHUR ILAHI, COUNCIL MUSLIM LEAGUE MNA, EXPLAINED THAT IF COURT AND NAP AGREED TO DECLARE UDF "PARTY" TO THE CASE, IT WOULD BE POSSIBLE FOR UDF-APPROVED LEGAL COUNSEL TO RESUME ARGUMENTS AND PERFORM CROSS-EXAMINATION NECESSARY FOR AN EFFECTIVE DEFENSE. ILAHI WENT ON TO SAY UDF WILL ARGUE THAT IT SHOULD HAVE THIS RIGHT BECAUSE MOST STATEMENTS BY NAP LEADERS DURING LAST EIGHTEEN MONTHS, TO WHICH GOP IS OBJECTING, WERE MADE FROM UDF PLATFORM. UNCERTAIN WHETHER COURT WOULD AGREE.

6. NEXT STEPS IN THE CASE ARE NOT CLEAR AND WILL DEPEND UPON WHETHER COURT AND NAP CAN AGREE UPON CHOICE OF AMICUS CURIAE OR UDF-APPOINTED LEGAL COUNSEL. THE COURT HAS SUMMONED WITNESSES ON BOTH SIDES AND SEEMS TO BE MAKING EVERY EFFORT TO APPEAR FAIR. IF NAP COOPERATES, THE CROSS EXAMINATION COULD TAKE FROM THREE TO SIX MONTHS. WITHOUT AN ACTIVE DEFENSE, THE CASE MAY BE OVER IN ONE MONTH. LUPPI

CONFIDENTIAL

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: COURT PROCEEDINGS, POLITICAL PARTIES
Control Number: n/a
Copy: SINGLE
Draft Date: 28 JUN 1975
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: RowellE0
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1975ISLAMA05924
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Film Number: D750225-0772
From: ISLAMABAD
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1975/newtext/t1975067/aaaaafdb.tel
Line Count: 138
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION NEA
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: 75 ISLAMABAD 5684, 75 LAHORE 718
Review Action: RELEASED, APPROVED
Review Authority: RowellE0
Review Comment: n/a
Review Content Flags:
Review Date: 29 JUL 2003
Review Event:
Review Exemptions: n/a
Review History: RELEASED <29 JUL 2003 by ShawDG>; APPROVED <21 NOV 2003 by RowellE0>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
06 JUL 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: NAP DEFENSE BEFORE SUPREME COURT
TAGS: PINT, PFOR, PK, AF, NATIONAL AWAMI PARTY
To: STATE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 06 JUL 2006